

1-1 By: Shapiro, Eltife, Seliger S.B. No. 848
1-2 (In the Senate - Filed March 1, 2005; March 10, 2005, read
1-3 first time and referred to Committee on Intergovernmental
1-4 Relations; April 6, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 4, Nays 1;
1-6 April 6, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 848 By: Deuell

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the approval of certain permit applications by local
1-11 governments.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subdivision (1), Section 245.001, Local
1-14 Government Code, is amended to read as follows:

1-15 (1) "Permit" means a license, certificate, approval,
1-16 registration, consent, permit, contract or other agreement for the
1-17 construction or provision of service from a utility owned,
1-18 operated, or controlled by the regulatory agency, or other form of
1-19 authorization required by law, rule, regulation, order, or
1-20 ordinance that a person must obtain to perform an action or
1-21 initiate, continue, or complete a project for which the permit is
1-22 sought.

1-23 SECTION 2. Section 245.002, Local Government Code, is
1-24 amended by amending Subsection (a) and adding Subsection (a-1) to
1-25 read as follows:

1-26 (a) Each regulatory agency shall consider the approval,
1-27 disapproval, or conditional approval of an application for a permit
1-28 solely on the basis of any orders, regulations, ordinances, rules,
1-29 expiration dates, or other properly adopted requirements in effect
1-30 at the time:

1-31 (1) the original application for the permit is filed
1-32 for review for any purpose, including review for administrative
1-33 completeness; or

1-34 (2) a plan for development of real property is filed
1-35 with a regulatory agency.

1-36 (a-1) Rights to which a permit applicant is entitled under
1-37 this chapter accrue on filing of an original application or plan of
1-38 development that gives the regulatory agency fair notice of the
1-39 project and the nature of the permit sought. An application or plan
1-40 is considered filed on the date the applicant delivers the
1-41 application or plan to the regulatory agency or deposits the
1-42 application or plan with the United States Postal Service by
1-43 certified mail addressed to the regulatory agency. A certified
1-44 mail receipt obtained by the applicant at the time of deposit is
1-45 prima facie evidence of the date the application or plan was
1-46 deposited with the United States Postal Service.

1-47 SECTION 3. This Act shall be construed to provide for the
1-48 accrual of rights to develop property under regulations in effect
1-49 at a time certain; provided, however, that nothing in this Act shall
1-50 be construed to prohibit a regulatory agency from requiring
1-51 compliance with technical requirements relating to the form and
1-52 content of an application after the applicant's development rights
1-53 have accrued pursuant to Subsection (a-1), Section 245.002, Local
1-54 Government Code, as added by this Act, if such requirements are in
1-55 effect at the time the application is filed.

1-56 SECTION 4. This Act takes effect immediately if it receives
1-57 a vote of two-thirds of all the members elected to each house, as
1-58 provided by Section 39, Article III, Texas Constitution. If this
1-59 Act does not receive the vote necessary for immediate effect, this
1-60 Act takes effect September 1, 2005.

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